

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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**CASE NO.  
2:07-cv-00306-MHT-CSC**

**PLAINTIFF'S MOTION TO SEAL**

Comes now the Plaintiff, JERRY LEON DEES, JR. ("Dees"), and respectfully moves the Court to for an Order permitting him to file under seal portions of his Evidentiary Submission in support of his Brief in Opposition to Defendants' Motion for Summary Judgment (Doc. 107). As grounds for this motion, the Board submits the following:

1. On August 23, 2007, this Court entered a Protective Order governing information 'ordinarily regarded as confidential and/or proprietary by defendant." (Doc. 27). The Protective Order provides, in part, that confidential information and documents subject to this Protective order should not be filed with the Clerk of the Court except when required in connection with motions under the Federal Rules of Civil Procedure or other matters pending before the Court. Any such protected documents filed with the Court shall be filed in "sealed envelopes"... (Doc. 27 at ¶5).

2. Plaintiff proposes to file the following documents that were produced through the course of discovery as Confidential pursuant to the Protective Order under seal:

- (a) Ontario King Investigation File;
- (b) Photographs taken by Rob Clevenger on March 5, 2007;
- (c) Discussion Planner of Greg Prater dated 11/15/2006;
- (d) HMMA LLC agreement dated 4/12/2002;
- (e) Memo regarding 2006 Hyundai Motor Company Controlled Group Coverage Testing Projections;
- (f) HMA Advance Pricing Agreement Renewal Request dated 9/11/2006;
- (g) HMMA financial statements December 31, 2006 and 2005;
- (h) North American Affiliate Expense Allocation Agreement dated 9/1/2006;
- (i) Letter to Keith Duckworth from Greg Kimble dated 2/15/2005;
- (j) Hyundai Motor Company General Corporate Profile;
- (k) Deposition excerpts of Mickey Phillips; and
- (l) Deposition excerpts of John Kalson.

3. Plaintiff has previously e-filed his Evidentiary Submission noting that the documents noted above have been filed under seal.

4. A proposed order is attached hereto as Exhibit A.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff respectfully requests that the Court grant his motion to file portions of his Evidentiary Submission to Plaintiff's Brief in Opposition to Defendants' Motion for Summary Judgment under seal.

Respectfully submitted this 4<sup>th</sup> day of February, 2008.

s/ Jeffrey R. Sport  
Jeffrey R. Sport (SPORJ5390)

OF COUNSEL:

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**Attorney for Plaintiff**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 4<sup>th</sup> day of February, 2008, electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

J. Trent Scofield, Esq.  
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s/ Jeffrey R. Sport  
COUNSEL

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**CASE NO.  
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**ORDER**

1. The Motion to Seal filed February 4, 2008 by Plaintiff, JERRY LEON DEES, JR. (“Dees”), is hereby granted. The Clerk of Court is directed to file the following documents which were produced as Confidential pursuant to the Protective Order (Doc. 27) under seal:

- (a) Ontario King Investigation File;
- (b) Photographs taken by Rob Clevenger on March 5, 2007;
- (c) Discussion Planner of Greg Prater dated 11/15/2006;
- (d) HMMA LLC agreement dated 4/12/2002;
- (e) Memo regarding 2006 Hyundai Motor Company Controlled Group Coverage Testing Projections;
- (f) HMA Advance Pricing Agreement Renewal Request dated 9/11/2006;
- (g) HMMA financial statements December 31, 2006 and 2005;
- (h) North American Affiliate Expense Allocation Agreement dated 9/1/2006;

- (i) Letter to Keith Duckworth from Greg Kimble dated 2/15/2005;
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- (k) Deposition excerpts of Mickey Phillips; and
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United States District Judge